

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 98 HEALTH AND )  
WELFARE FUND, by Barbara Lane, as Administrator, INTERNATIONAL )  
UNION OF OPERATING ENGINEERS LOCAL 98 PENSION FUND, by Barbara )  
Lane, as Administrator; INTERNATIONAL UNION OF OPERATING ENGINEERS )  
LOCAL 98 ANNUITY FUND, by Barbara Lane, as Administrator; LOCAL 98 )  
ENGINEERS JOINT TRAINING, RETRAINING, SKILL IMPROVEMENT, SAFETY )  
EDUCATION, APPRENTICESHIP AND TRAINING FUND, by Barbara Lane, as )  
Administrator; CENTRAL PENSION FUND OF THE INTERNATIONAL UNION )  
OF OPERATING ENGINEERS AND PARTICIPATING EMPLOYERS, by Michael R. )  
Fanning, as Chief Executive Officer; and INTERNATIONAL UNION OF )  
OPERATING ENGINEERS LOCAL 98, AFL-CIO, by Eugene P. Melville, Jr., as )  
Business Manager, )

Plaintiffs, )

v. )

COOPER EXCAVATING & TRUCKING, INC.; BRUCE COOPER, II, Individually )  
and as an Officer of COOPER EXCAVATING AND TRUCKING, INC. )

Defendants. )

Civil Action No.  
3:10-cv-30183 (MAP)

**LOCAL RULE 16.1(b) & (d)(3)**

Charles E. Blitman, Esq., counsel for Plaintiffs and Plaintiffs state that they have conferred with a view toward establishing a budget for the costs of conducting the full course and various alternative courses of litigation, as well as to consider the resolution of the litigation through the use of alternative dispute resolution, such as those outlined in Local Rule 16.4.

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL  
98 HEALTH AND WELFARE, PENSION AND ANNUITY  
FUNDS, LOCAL 98 ENGINEERS JOINT TRAINING,  
RETRAINING, SKILL IMPROVEMENT, SAFETY EDUCATION,  
APPRENTICESHIP AND TRAINING FUND, CENTRAL PENSION  
FUND OF THE INTERNATIONAL UNION OF OPERATING  
ENGINEERS AND PARTICIPATING EMPLOYERS

DATED: December 9, 2010

By: Barbara M. Lane

Barbara M. Lane  
Administrator of the I.U.O.E. Local 98 Health and Welfare,  
Pension and Annuity Funds, Local 98 Engineers Joint  
Training, Retraining, Skill Improvement, Safety Education,  
Apprenticeship and Training Fund and Collection Agent for  
the Central Pension Fund of the International Union of  
Operating Engineers and Participating Employers

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL  
98 HEALTH AND WELFARE, PENSION AND ANNUITY  
FUNDS, LOCAL 98 ENGINEERS JOINT TRAINING ,  
RETRAINING, SKILL IMPROVEMENT, SAFETY EDUCATION,  
APPRENTICESHIP, AND TRAINING FUND, INTERNATIONAL  
UNION OF OPERATING ENGINEERS LOCAL 98 AND  
EMPLOYERS COOPERATIVE TRUST, AND INTERNATIONAL  
UNION OF OPERATING ENGINEERS LOCAL 98, AFL-CIO

DATED: December 9, 2010

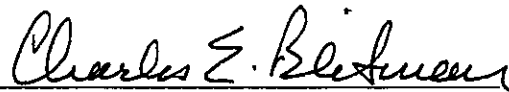
By: Eugene P. Melville, Jr.

Eugene P. Melville, Jr.  
Business Manager of International Union of Operating  
Engineers Local 98 and Trustee of International Union of  
Operating Engineers Local 98 Health and Welfare, Pension  
and Annuity Funds, Local 98 Engineers Joint Training,  
Retraining, Skill Improvement, Safety Education,  
Apprenticeship and Training Fund, and International Union  
of Operating Engineers Local 98 and Employers  
Cooperative Trust

BLITMAN & KING LLP

DATED: December \_\_, 2010

By:



Charles E. Blitman, Esq.

BBO No.: 653148

Attorneys for INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL 98 HEALTH AND WELFARE, PENSION  
AND ANNUITY FUNDS, LOCAL 98 ENGINEERS JOINT  
TRAINING, RETRAINING, SKILL IMPROVEMENT, SAFETY  
EDUCATION, APPRENTICESHIP AND TRAINING FUND,  
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL  
98 AND EMPLOYERS COOPERATIVE TRUST, CENTRAL  
PENSION FUND OF THE INTERNATIONAL UNION OF  
OPERATING ENGINEERS AND PARTICIPATING EMPLOYERS,  
AND INTERNATIONAL UNION OF OPERATING ENGINEERS  
LOCAL 98, AFL-CIO

Franklin Center, Suite 300

443 North Franklin Street

Syracuse, NY 13204

Telephone: (315) 422-7111

Facsimile: (315) 471-2623

E-mail: [ceblitman@bklawyers.com](mailto:ceblitman@bklawyers.com)